

BUREAU OF WATER QUALITY PLANNING

The Bureau of Water Quality Planning (BWQP) is responsible for several water quality protection functions which revolve around collecting and analyzing data, developing standards for surface waters, publishing reports and implementing programs to address surface water quality, non-point sources of pollution and ground water protection. The bureau is responsible for two certification programs and is divided into three branches.

The **water quality standards branch** is responsible for the continuing planning process, reviewing and adopting water quality standards; determining total maximum daily loads and wasteload allocations from point sources; and determining load allocations from nonpoint sources. This branch also reviews the national pollutant discharge elimination system permits issued by the Bureau of Water Pollution Control to ensure that water quality standards will not be exceeded under permit conditions. The state's Water Quality Management Plan and the "impaired waters listing" required under sections 208 and 303(d) of the Clean Water Act (CWA) are prepared by this branch. Also, this branch reviews and provides certification of Water Quality Plans which are developed by the three designated 208 Planning Agencies. Proposals for water quality planning activities are solicited, selected and managed through grant monies available under section 604(b) of the CWA. This branch solicits, selects and manages other water quality planning projects when appropriate federal monies are available.

The **monitoring branch** is responsible for the state's water quality monitoring program, a program which involves water quality surveys, the routine monitoring of over 100 sites and the reviewing of monitoring plans for permitted sources. This branch maintains and updates water quality data for the national water quality data base (STORET). This branch also reviews: permits issued by state lands, environmental impact statements, environmental assessment documents, other clearinghouse documents, permits for the U.S. Army Corps of Engineers and Coast Guard, and licenses and plans for the Federal Energy Regulatory Commission (FERC). Certifications are given to the Federal agencies pursuant to section 401 of the Clean Water Act. Laboratory certification and the quality assurance plan for water sampling and analysis are also the responsibility of this branch as is the preparation of Nevada's water quality assessment report, required under section 305(b) of the Clean Water Act.

The **groundwater/nonpoint source branch** is the largest branch in the BWQP. It is divided into two programs: the groundwater program and the nonpoint source program. The groundwater program staff is actually responsible for two related projects: the development and implementation of the Comprehensive State Groundwater Protection Program and the implementation of the Wellhead Protection Program, required by the 1986 amendments to the federal Safe Drinking Water Act. The **Wellhead Protection Program** facilitates voluntary community activities designed to prevent contamination of local ground water used as a source of public drinking water. It may be developed for any public water system regardless of ownership or size by any one or combination of the following entities: the public water system, the local governmental entity or a local organization. Communities can implement a variety of measures to manage potential contaminant sources; e.g., local government enactment of ordinances and the granting of special use permits. The Division provides general program guidance, technical assistance and educational materials. Financial assistance may also be available. The state recommendations, general guidance and the criteria that must be met for state endorsement are contained in the document entitled The State of Nevada Wellhead Protection Program. State endorsement of a community's program is optional, but it may be beneficial to a public water system planning to participate in the state Health Division's monitoring waiver program.

The nonpoint source (NPS) program is responsible for all NPS planning and includes developing and updating the state management plan, the state assessment report and the Best Management Practices Handbook. This branch solicits, selects and manages several NPS projects using grant monies available under section 319(h) of the CWA. A number of these projects use a watershed management approach to NPS pollution control. Other projects involve public education, technology transfer or demonstration of innovative best management practices. The NPS staff also coordinate activities with the Natural Resources Conservation Service, the Bureau of Land Management and the United States Forest Service on land uses which have the potential for Non Point Source

pollution.

Statutory Authority: NRS 445A.010
NRS 445A.170 through 445A.730

Employees: 16 FTE (1999)

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REGULATORY FUNCTIONS

Certification

A. Nevada State Laboratory Certification

Authority: NAC 445A.055 through 445A.066

When

Required: Before analysis of samples required pursuant to NRS 445A.300 through 445A.730 (Water Pollution Control). Analyses relate to quality of water other than drinking water.

Approximate

Time to Obtain: 6 months. The certification officer must do an on-site evaluation of the laboratory within 60 days of receiving analytical data from the sample supplier and must issue a certification or a refusal of certification within 30 days after the evaluation.

Duration of

Certificate: 1 year. Site evaluations are required at least once every 2 years.

Fees:

Application and renewal fees apply. Fees are based on the constituents to be analyzed. Fees are effective for 1 year beginning on July 1 of each year and are pro-rated. See NAC 445A.066 for the fee schedule at the end of this section.

Information

Required: Applicant must submit a written request for an application to the bureau or the bureau's contractor. The applicant must then submit a completed application to the bureau or the bureau's contractor. Information submitted must include: facility location; personnel; methods of analysis; a list of parameters for which certification is sought; protocols and equipment to be used; and performance evaluation data.

Public Notice: Not applicable

**Reporting
Required:**

None

Comments:

Analyses under the Clean Water Act involve listed constituents and include microbiological and radiochemical analytes. The primary purpose of the program is to ensure that the quality of data generated by the laboratories is acceptable for making decisions on compliance with Nevada's Water Pollution Control Law (NRS 445A). This certification program currently is being augmented to incorporate the "National Environmental Laboratory Accreditation Program" (NELAP). This incorporation of NELAP will provide reciprocity for Nevada Laboratories working in other states that have adopted equivalent standards.

B. Section 401 Water Quality Certification (for U.S. Army Corps of Engineer 404 Permits, Coast Guard Permits and FERC Permits)

Authority:

Clean Water Act, section 401
NRS 445A.620

When

Required:

Prior to initiation of any activities that require a Federal license or permit (U.S. Army Corps of Engineers' permit, pursuant to Section 404 of the CWA, FERC license or Coast Guard permit).

Approximate

Time to Obtain: 6 months.

Duration of

Certificate:

N/A

Fees:

None

Information

Required:

The applicant must submit a written request for 401 Certification to the Bureau of Water Quality Planning.

Public Notice:

Provided by the federal agency proposing the action.

Reporting

Required:

Varies

Comments:

Activities may be pre-certified for all nationwide and general permits in the state. An individual certification is needed for any nationwide permit when the Division requires a discharge permit for the proposed project. Projects subject to this requirement are those requiring permits which include, but are not limited to, NPDES permits, storm water permits, state discharge permits and rolling stock permits. Any individual 404 permit issued by the Corps requires 401 certification from BWQP.

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BUREAU OF WATER QUALITY PLANNING FEES AND AUTHORITIES

FEE DESCRIPTION: Water Quality Lab Certification Initial/Annual Fees w/Schedule

Statutory Authority: NRS 445A.430

Regulatory Authority: NAC 445A.066

CITATIONS: Fees for certification (By NAC, last amended October 1996. Note Petition 1999-08, LCB File No. R-070-99 will propose to make reductions to one fee, as before the Environmental Commission in March 2000)

DISCUSSION:

NAC 445A.066 as amended on September 10, 1996 by the Environmental Commission provides for: Section 1. has a one time, non-refundable fee of \$ 400; Section 2. has a annual fee (**Table 5**) for contaminants. The fee also provides for annual toxicity bioassay certification of \$ 400. Besides the annual fee for list contaminants, the laboratory may request the certification of additional contaminants. The fee for additional contaminants is \$ 400. Certification also includes the cost of state officers travel and per diem. Fees can be prorated, depending on the when the application has been submitted. Note: Petition 1999-08 is proposed to amend this citation in the Spring of 2000. The change proposed decreases the annual certification fee to perform toxicity bioassays from \$400 to \$125. All other fees will remain as specified below in Table 5.

Table 5

NAC 445A.066 Water Quality Lab Fee Schedule

Category of Contaminant	Annual Fee
Trace Metals	\$ 500
Minerals	\$ 500
Nutrients	\$ 250
Demands	\$ 250
Polychlorinated biphenols (Water)	\$ 250
Polychlorinated biphenols (Oil)	\$ 250
Pesticides	\$ 500
Volatile Halocarbons	\$ 250
Volatile Aromatics	\$ 250
Total Cyanide	\$ 125
Nonfilterable Residue	\$ 125
Oil and Grease	\$ 125

Category of Contaminant	Annual Fee
Total Phenolics	\$ 125
Total Residual Chlorine	\$ 125
Microbiological	\$ 350
Radiochemical	\$ 500
Other individual contaminant as defined by the United States Environmental Protection Agency	\$ 125
Annual certification fee to perform toxicity bioassays	\$ 400

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